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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,631	05/03/2001	Andrew Engel	P-2361	7849
7590	07/27/2004		EXAMINER	
Paul A. Fattibene Fattibene & Fattibene 2480 Post Road Southport, CT 06490			THOMPSON JR, FOREST	
			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/848,631	ENGEL ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Forest Thompson Jr.	3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 05/03/2001.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-12 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-12 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 05/03/01 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

## **DETAILED ACTION**

1. Claims 1-12 have been examined.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 11 recites the limitation "storing customer data relate to" in line 3 and "the customer date" in line 6. There is insufficient antecedent basis for the limitation "the customer date" in the claim. The limitation "storing customer data relate to" in line 3 should be changed to read "storing customer data related to" in line 3. Therefore, the claim is rejected. For purposes of expediting prosecution, examiner will examine the claim in the context of "storing customer data related to" in line 3 and "the customer [date] data" in line 6.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Nambudiri et al. (U.S. Patent No. 6,640,214).

Claim 1: Nambudiri teaches;

- a product information input device coupled to said handheld computer (Abstract);
- a display output device coupled to said handheld computer (Abstract);
- a global positioning system receiver coupled to said handheld computer, whereby the location of the handheld computer is capable of being determined (col. 8 lines 23-39); and
- a wireless communication system coupled to said handheld computer capable of communicating with a global computer network (col. 8 lines 40-60);
- whereby said product information input device provides product information and results in product pricing and location information to be provided to a potential consumer (Abstract).

Claim 2: Nambudiri teaches:

- said product information input device comprises an optical scanner (col. 8 lines 12-22),
- whereby said optical scanner is capable of reading a bar code placed on a product (col. 8 lines 12-22).

Claim 3: Nambudiri teaches said product information input device comprises voice activation (col. 13 lines 55-61).

Claim 4: Nambudiri teaches a printer, whereby a coupon is capable of being printed (col. 9 lines 4-11).

Claim 5: Nambudiri teaches:

- means for obtaining information about a selected product of interest (col. 12 lines 36-52);
- means for identifying the physical location of the mobile shopping assistant (col. 12 lines 61-65);
- means for searching a database to obtain the information about the selected product and location of similar products related to the selected product (col. 12 line 61 – col. 13 line 31); and
- means for displaying the information relating to the related products and the selected product to a potential consumer, whereby the potential consumer is capable of making an informed purchasing decision (col. 12 lines 36-52).

Claim 6: Nambudiri teaches:

- a handheld computer (Abstract);
- a product information input device coupled to said handheld computer (Abstract);

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- a display output device coupled to said handheld computer (col. 8 lines 23-39);
- a global positioning system receiver coupled to said handheld computer, whereby the location of the handheld computer is capable of being determined (col. 8 lines 23-39);
- a wireless communication system coupled to said handheld computer capable of communicating with a global computer network (Abstract; col. 5 lines 37-58); and
- a price and discount server coupled to the global computer network and capable of storing price and location information about products (col. 13 lines 32-54),
- said optical scanner provides product information (col. 13 lines 32-54); and
- said price and discount server provides product pricing and location information to be provided upon request to a potential consumer (col. col. 12 line 36 – col. 13 line 61).

Claim 7: Nambudiri teaches a customer data storage device coupled to said handheld computer (col. 2 lines 58-67).

Claim 8: Nambudiri teaches processing means, associated with said price and discount server, for analyzing a potential consumer's use of the mobile shopping assistant device (col. 7 lines 36-54).

Claim 9: Nambudiri teaches a printer coupled to said handheld computer (col. 9 lines 4-11).

Claim 10: Nambudiri teaches:

- scanning a bar code associated with a selected product of interest (col. 12 line 36 – col. 13 line 31);
- establishing a physical location of the selected product of interest (col. 13 lines 8-31);
- determining another physical location of available products substantially the same as the selected product of interest (col. 12 line 61 – col. 13 line 31);
- comparing information about the available products relative to the selected product (col. 12 line 61 – col. 13 line 31); and
- displaying the selected information, whereby the potential consumer is better informed to make a purchasing decision (col. 12 lines 36-52).

Claim 11: Nambudiri teaches:

- storing customer data relate to the potential consumer's selection of the selected product of interest (col. 2 lines 58-67); and
- analyzing the customer data (col. 7 lines 36-54).

Claim 12: Nambudiri teaches:

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- scanning a bar code associated with a selected product of interest with a handheld computer (col. 12 line 36 – col. 13 line 31);
- establishing a physical location of the selected product of interest with a global positioning system (col. 8 lines 23-39);
- transmitting the physical location of the selected product of interest to a service provider connected to a global computer network (col. 12 lines 17-35);
- coupling a price and discount server containing preselected information about the selected product of interest comprising price, location and discount information to the global computer network (col. 13 lines 32-54);
- storing customer information and information identifying the selected product of interest (col. 3 lines 31-52);
- searching the pre-selected information on the price and discount server for related information to the selected product of interest (col. 12 line 61 – col. 13 line 31);
- searching the global computer network for other information related to the selected product of interest comprising price, location, and discount information for the selected product of interest (col. 12 line 61 – col. 13 line 31);
- storing the other information related to the selected product of interest comprising price, location, and discount information for the selected product of interest on the price and discount server (col. 13 line 62 – col. 14 line 2);
- transmitting the related information and the other information related to the selected product to the handheld computer (col. 12 lines 36-52);

- analyzing the customer information and the information identifying the selected product of interest (col. 12 lines 36-52);
- determine proposed product information related to selected items that could be of interest to the customer (col. 12 lines 36-52);
- transmitting the proposed product information to the handheld computer (col. 12 lines 36-52); and
- displaying the related information, the other information, and the proposed product information for viewing by the potential consumer, whereby the potential consumer is better informed to make a purchasing decision (col. 12 lines 36-52).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Prior art includes:

- Petrovich et al. (U.S. Patent No. 6,101,483) teaches a personal shopping system for combined use in both the home of a user and a shopping establishment. The system includes a host computer which is coupled to a host modem and, optionally, to at least one wireless multi-access point. At least one shopping establishment kiosk cradle is employed to interface with a portable terminal which is also part of the system. The portable terminal can be used in both the shopping establishment and the home of the user. It is configured to read bar codes associated with items related to shopping, and includes a memory, a bar code reader, a wireless transceiver, and a data interface. The

data interface of the terminal communicates with a data interface of the shopping establishment kiosk cradle.

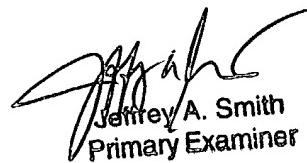
- Treyz et al. (U.S. Patent No. 6,587,835) teaches that a handheld computing device may be used to provide a user with shopping assistance services. A shopping assistance service may allow a user to obtain directory information for a shopping mall. A user may use the handheld computing device to handle shopping lists. The handheld computing device may display promotional material based on the shopping lists. The handheld computing device may be used to obtain information on products being sold in a store. Products may be purchased using wireless financial transactions. Reminders and other messages may be sent to the handheld computing device. The location of the handheld computing device may be monitored. Services may be provided to the user based on the location of the handheld computing device.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Forest Thompson Jr. whose telephone number is (703) 306-5449. The examiner can normally be reached on 6:30 AM-3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FT   
07/26/2004

  
Jeffrey A. Smith  
Primary Examiner